

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6773

BILL NUMBER: SB 246

NOTE PREPARED: Dec 28, 2007

BILL AMENDED:

SUBJECT: Recreational Trail Liability.

FIRST AUTHOR: Sen. Dillon

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a property owner has no duty of care to a person who trespasses on the person's land from a recreational trail.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, a property owner has no duty of care to any person using a recreational trail. Under the bill, this exemption for liability applies when a person trespasses on the property from a recreational trail. Liability cases are filed in court as civil actions.

If fewer civil actions occur because there is no liability, revenue to the state General Fund may decrease. A civil filing fee of \$100 is assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$17), public defense administration fee (\$3), court administration fee (\$3), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: If fewer civil actions occur, local governments would not receive revenue from court fees that may be assessed in a court of record and which may be deposited with a county general

fund, a court of record, or a city or town general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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